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7 Attorneys for Defendants  
8 THUNDERWOOD HOLDINGS, INC.,  
BRIAN DUNNING, and BRIANDUNNING.COM  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 EBAY INC.,

14 Plaintiff,

15 vs.

16 DIGITAL POINT SOLUTIONS, INC.;  
17 SHAWN HOGAN; KESSLER's FLYING  
CIRCUS; THUNDERWOOD HOLDINGS,  
18 INC.; TODD DUNNING; DUNNING  
ENTERPRISES, INC.; BRIAN DUNNING;  
19 BRIANDUNNING.COM; and DOES 1-20,

20 Defendants.  
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CASE NO. CV 08-4052 JF (PVT)

22 **STIPULATION TO CONTINUE  
INITIAL CASE MANAGEMENT  
CONFERENCE; ORDER THEREON**

Honorable Jeremy Fogel, Judge presiding

23 TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT  
24 COURT:

25 The parties to this action, by and through their attorneys of record, hereby agree  
26 and stipulate based on the following recitals:

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**RECITALS**

A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

B. The Initial Case Management Conference is currently set for March 23, 2009 at 10:30 a.m.

C. All Defendants to the action filed Motions to Dismiss the Complaint. Defendants' Motions were heard on December 12, 2008.

D. Defendants' Motions to Dismiss were granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff has until March 26, 2009 to file an amended complaint.

E. Plaintiff intends to file an amended complaint on or before March 26, 2009. It is anticipated that one or more of the Defendants will challenge the amended complaint.

F. The parties agree that the Initial Case Management Conference will be more productive if it is continued to enable resolution of the pleadings.

**WHEREFORE**, the Parties agree as follows:

1. The Initial Case Management Conference presently set for March 23, 2008 at 10:30 a.m. is continued to May 15, 2009 at 10:30 a.m.

2. The Stipulation may be executed in one or more counterparts.

DATED: March 17, 2009

O'MELVENY & MYERS

By: 

David R. Eberhart  
Sharon Bunzel  
Attorneys for Plaintiff eBay, Inc.

DATED: March 17, 2009

RUS, MILIBAND & SMITH  
A Professional Corporation

By: 

Leo J. Presiado  
Attorneys for Defendants Thunderwood Holdings, Inc., Brian Dunning and BrianDunning.com

1 DATED: March 17, 2009.

FREELAND, COOPER & FOREMAN, LLP

2  
3 By: 

4 Stewart H. Foreman  
5 Attorneys for Defendants Todd Dunning and  
6 Dunning Enterprises, Inc.

7 DATED: March \_\_, 2009

COAST LAW GROUP. LLP

8  
9 By: \_\_\_\_\_

10 Seyamack Kouretchian  
11 Ross Campbell  
12 Attorneys for Digital Point Solutions, Inc. and  
13 Shawn Hogan

14 DATED: March \_\_, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

15 By: \_\_\_\_\_

16 Patrick K. McClellan  
17 Attorney for Kessler's Flying Circus

18 IT IS SO ORDERED.

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20 \_\_\_\_\_  
21 HONORABLE JEREMY FOGEL  
22 JUDGE OF THE UNITED STATES DISTRICT COURT  
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1 DATED: March \_\_, 2009.

FREELAND, COOPER & FOREMAN, LLP

2  
3 By: \_\_\_\_\_  
4 Stewart H. Foreman  
5 Attorneys for Defendants Todd Dunning and  
6 Dunning Enterprises, Inc.

7 DATED: March 17, 2009

COAST LAW GROUP. LLP

8  
9 By: \_\_\_\_\_  
10 ~~Sevanack Kouretchian~~  
11 ~~Ross Campbell~~  
12 Attorneys for Digital Point Solutions, Inc. and  
13 Shawn Hogan

14 DATED: March \_\_, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

15 By: \_\_\_\_\_  
16 Patrick K. McClellan  
17 Attorney for Kessler's Flying Circus

18 IT IS SO ORDERED.

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20 \_\_\_\_\_  
21 HONORABLE JEREMY FOGEL  
22 JUDGE OF THE UNITED STATES DISTRICT COURT  
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1 DATED: March \_\_, 2009.

FREELAND, COOPER & FOREMAN, LLP

2  
3 By: \_\_\_\_\_  
4 Stewart H. Foreman  
5 Attorneys for Defendants Todd Dunning and  
6 Dunning Enterprises, Inc.

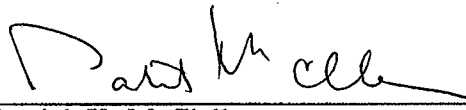
7 DATED: March \_\_, 2009

COAST LAW GROUP. LLP

8  
9 By: \_\_\_\_\_  
10 Seyamack Kouretchian  
11 Ross Campbell  
12 Attorneys for Digital Point Solutions, Inc. and  
13 Shawn Hogan

14 DATED: March 7, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

15 By:  \_\_\_\_\_  
16 Patrick K. McClellan  
17 Attorney for Kessler's Flying Circus

18 IT IS SO ORDERED.

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20 \_\_\_\_\_  
21 HONORABLE JEREMY FOGEL  
22 JUDGE OF THE UNITED STATES DISTRICT COURT  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

**STIPULATION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE;**

**ORDER THEREON** was filed with the Court's Electronic Filing System on March 17, 2009

and may be accessed electronically.

s/ Leo J. Presiado

Leo J. Presiado

Rus, Miliband & Smith, APC

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Irvine, California 92612

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Attorneys for Defendants Thunderwood Holdings,  
Inc., Brian Dunning and [Briandunning.com](http://Briandunning.com)